

SEP 09 1988

Permit No.: CO-0029793

County: Dolores

AUTHORIZATION TO DISCHARGE UNDER THE



1186314 - R8 SDMS

COLORADO DISCHARGE PERMIT SYSTEM

In compliance with the provisions of the Colorado Water Quality Control Act, (25-8-101 et. seq., CRS, 1973 as amended) and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et. seq.; the "Act") the

RICO DEVELOPMENT CORPORATION, A COLORADO CORPORATION

is authorized to discharge from the St. Louis tunnel treatment system

located in Sec. 24 and 25, T40N, R11W

to the Dolores River and Silver Creek

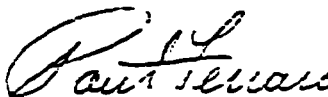
in accordance with effluent limitations, monitoring requirements and other conditions set forth in Part I, and II hereof. All discharges authorized herein shall be consistent with the terms and conditions of this permit.

This permit shall become effective thirty (30) days after the date signed by the Director. Should the applicant choose to contest any of the effluent limitations, monitoring requirements or other conditions contained herein, the applicant must comply with Section 24-4-104 CRS 1973 and the Regulations for the State Discharge Permit System. Failure to contest any such effluent limitation, monitoring requirement, or other condition, constitutes consent to the condition by the Applicant.

This permit and the authorization to discharge shall expire at midnight, December 31, 1992.

Issued and Signed this 13 day of May, 1988

COLORADO DEPARTMENT OF HEALTH


Paul Ferraro, Director
Water Quality Control Division

CERTIFIED LETTER NO. AGTD 155 443
DATE SIGNED 5/13/88
EFFECTIVE DATE 6/13/88
PERMIT 1186314

Code: 1 - 1 Date: 1 - 84

Modified 09/07/88

EPA000027

A. TERMS AND CONDITIONS

1. Effluent Limitations - Discharge Point 002

Beginning immediately and lasting through December 31, 1992, the permittee is authorized to discharge from outfall(s) serial number(s): 002, as shown on Figures 1 and 2, outfall from Pond 5 below the St. Louis tunnel.

In accordance with the Water Quality Control Commission Regulations for Effluent Limitations, Section 10.1.3, and State Discharge Permit System Regulations, Section 6.9.2, 5 C.C.R. 1002-2, the permitted discharge shall not contain effluent parameter concentrations which exceed the following limitations, discharge more than the mass pollutant loadings specified below or exceed the specified flow limitation.

<u>Effluent Parameter</u>	<u>Discharge Limitations</u>	
	<u>30-Day Avg a/</u>	<u>Daily Max c/</u>
Flow, MGD	2.6	N/A
Total Suspended Solids, mg/l	20	30
Total Recoverable Cadmium, lbs/day		
(1/1 - 4/30)	0.052	0.10
(5/1 - 7/31)	0.12	0.24
(8/1 - 12/31)	0.076	0.15
Total Recoverable Copper, mg/l	0.03	0.06
Total Recoverable Lead, mg/l	0.009	0.018
Total Recoverable Silver, lbs/day <u>1/</u>		
(1/1 - 4/30)	0.0053	0.010
(5/1 - 7/31)	0.013	0.026
(8/1 - 12/31)	0.0081	0.016
Total Recoverable Zinc, lbs/day	9.5	19
Total Dissolved Solids, mg/l	N/A	Report

pH - standard units shall remain between 6.5 and 9.0 c/.

Oil and Grease shall not exceed 10 mg/l in any grab sample nor shall there be a visible sheen c/. If a visible sheen or floating oil is observed, corrective action shall be taken immediately.

There shall be no discharge of floating solids.

2. Effluent Limitations - Discharge Point 001

There shall be no discharge from discharge point 001, outfall from the Blaine tunnel, except for bypass purposes only, and as subject to Part II A.5. of this permit.

See Part I.C. for Footnotes.

Code: 1 - 2 Date: 1 - 84

A. TERMS AND CONDITIONS

3. Salinity Study

Within 180 days of the effective date of this permit, the permittee must submit a salinity study demonstrating that it is not practicable to prevent the discharge of all salt from the facility. This study shall include all of the information requested in the "Regulations For Implementation of the Colorado River Salinity Standards through the NPDES Permit Program" 3.10.4 I.B.

B. MONITORING REQUIREMENTS

1. Frequency and Sample Type

In order to obtain an indication of the probable compliance or noncompliance with the effluent limitations specified in Section A, the permittee shall monitor all effluent parameters at the following frequencies.

(a) Discharge Point(s) 002

<u>Effluent Parameter</u>	<u>Measurement Frequency d/</u>	<u>Sample Type e/</u>
Flow, MGD	Daily	Instantaneous or Continuous
Total Suspended Solids, mg/l	Monthly	Grab
Oil and Grease, mg/l f/	Weekly	Visual
pH, s.u.	Weekly	Grab
Total Recoverable Cadmium, lbs/day	2 X Monthly	Grab
Total Recoverable Copper, mg/l	2 X Monthly	Grab
Total Recoverable Lead, mg/l	2 X Monthly	Grab
Total Recoverable Silver, lbs/day	2 X Monthly	Grab
Total Recoverable Zinc, lbs/day	2 X Monthly	Grab
Total Dissolved Solids, mg/l	Quarterly	Grab

Reporting of the above data shall be on a monthly basis. Refer to Part I. D.2 for specific requirements.

Sampling by the permittee for compliance with the monitoring requirements specified above shall be performed at the following location(s): Discharge point 002, outfall from pond 5 as shown on Figures 1 and 2 of this permit.

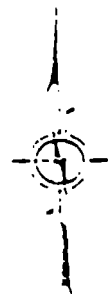
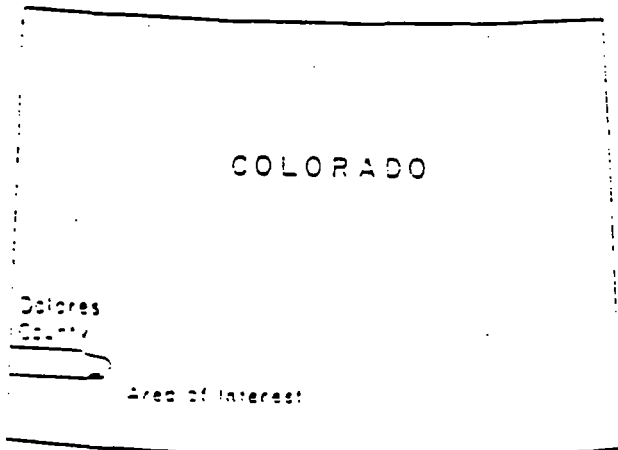
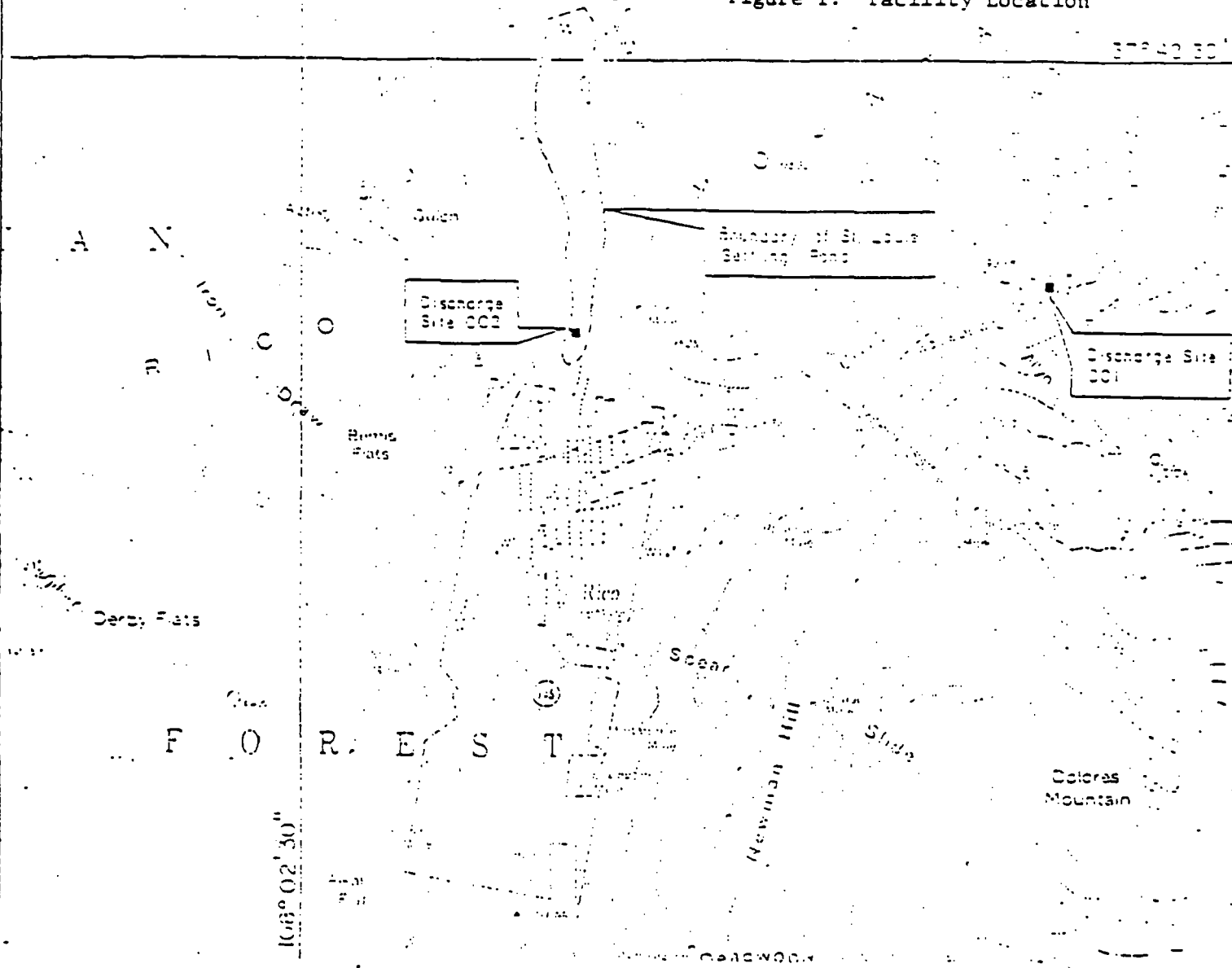
Monitoring by the Division for the purpose of compliance and/or enforcement of the effluent limitations shall be performed as per "Sample Type" specified above.

2. Flow Measuring Exemption or Modification

Not applicable.

See Part I.C. for Footnotes.

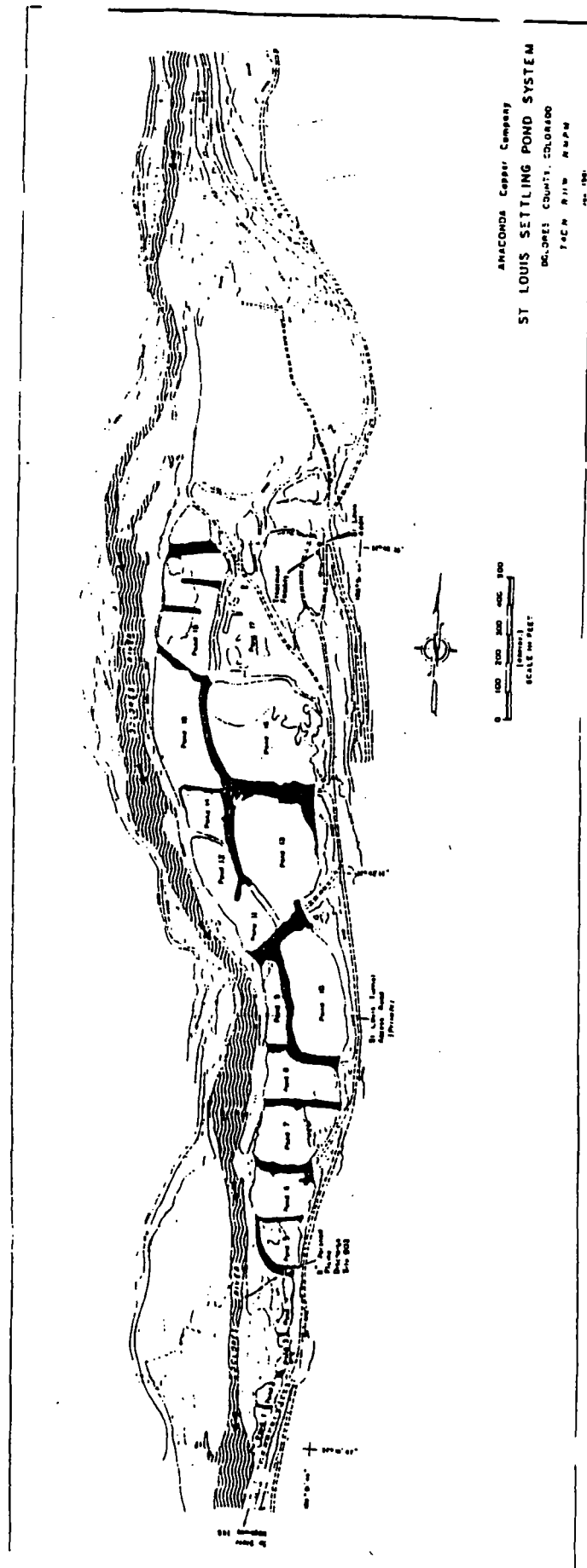
37°42'30"



0 1000 2000 4000 Feet

AMADONDA Copper Company
 LOCATION MAP OF ST. LOUIS
 POND SYSTEM

EPA000031



PART I
 Page 1e of 19
 Permit No. CO-0029793

Figure 2: Site Sketch
 and Discharge Point C

C. FOOTNOTES - APPLICABLE TO PRECEDING PAGES

- a/ - The thirty (30) day average shall be determined by the arithmetic mean of all samples collected during a thirty (30) consecutive-day period. Samples shall not be used for more than one (1) reporting period. (Not applicable to fecal coliform determinations - please see footnote m/.)
- b/ - The seven (7) day average shall be determined by the arithmetic mean of all samples taken in a seven (7) day period. Samples may not be used for more than one (1) reporting period. (Not applicable to fecal coliform determinations - please see footnote m/.)
- c/ - This limitation shall be determined by a single sample or set of samples as required by Part I B, Sample Type.
- d/ - When the measurement frequency indicated is quarterly, the samples shall be collected during March, June, September and December, if a continual discharge occurs. If the discharge is intermittent, then samples shall be collected during the period that discharge occurs. If the permittee, using the approved analytical methods, monitors any parameter more frequently than required by this permit, then the results of such monitoring shall be included in the calculation and reporting of the values required in the Discharge Monitoring Report Form or other forms as required by the Division. Such increased frequency shall also be indicated.
- e/ - Definitions of Sample Type
1. A "composite" sample, for monitoring requirements, is a minimum of four (4) grab samples collected at equally spaced two (2) hour intervals and proportioned according to flow.
 2. A "grab" sample, for monitoring requirements, is a single "dip and take" sample.
 3. An "instantaneous" measurement, for monitoring requirements, is a single reading, observation, or measurement performed on site.
 4. A "continuous" measurement, for flow monitoring requirements, is a measurement obtained from an automatic recording device which continually measures flow.
 5. A "visual" observation, for oil and grease monitoring requirements, is observing the discharge to check for the presence of a visible sheen or floating oil.
 6. An "in-situ" measurement, for monitoring requirements, is defined as a single reading, observation or measurement taken in the field at the point of discharge.

C. FOOTNOTES

- f/ - In the event an oil sheen or floating oil is observed, a grab sample shall be collected, analyzed, and reported on the appropriate DMR. In addition, corrective action shall be taken immediately to mitigate the discharge of oil and grease.
- g/ - Where based on a minimum of 5 samples, the permittee demonstrates, to the satisfaction of the Water Quality Control Division, that the level of Total Dissolved Solids (TDS) in the effluent can be calculated based upon the level of electrical conductivity, the permittee may measure and report TDS in terms of electrical conductivity.
- h/ - TDS shall be sampled on a monthly basis until six samples have been analyzed. A report of "No Discharge" shall not be counted as one of the six sampled. Thereafter, monitoring shall continue on a quarterly basis. Following submittal of initial six sets of monthly data, the Division shall determine whether the permittee is required to submit a report addressing salt removal in accordance with Regulations For Implementation of the Colorado River Salinity Standards Through the NPDES Permit Program 3.10.0. If the salinity report is required, the Division shall so advise the permittee by letter and the report shall be submitted within 180 days.
- i/ - This parameter is subject to "Noncompliance Notification" requirements of Part II.A.3.b.v of this permit.
- j/ - Procedure for determining settleable solids is contained in 40 CFR 434.64. The method detection limit for measuring settleable solids under this part shall be 0.4 ml/l.
- k/ - Should a precipitation event occur which is greater than the 10-year, 24-hour event, the permittee shall submit rain gauge or other appropriate documentation in order for an exemption to be claimed. In lieu of such documentation, limitations contained in Part I.A.1(b), shall apply. Documentation shall be reported as an attachment to the Discharge Monitoring Report (DMR) for the appropriate period.
- l/ - When the most sensitive analytical method which complies with Part I.F.2 of the permit has a detection limit greater than the permit limit, the permittee shall report less than the detectable limit, as appropriate. Such reports shall not be considered as violations of the permit limit.
- m/ - Fecal coliform bacteria average concentrations shall be determined by the geometric mean of all samples collected during a thirty (30) consecutive day period. The 7 day average shall be determined by the geometric mean of all samples taken during a seven (7) day period.

D. REPORTING

1. Signatory Requirements

All reports required for submittal shall be signed and certified for accuracy by the permittee in accord with the following criteria:

- a) In the case of corporations, by a principal executive officer of at least the level of vice-president or his or her duly authorized representative, if such representative is responsible for the overall operation of the facility from which the discharge described in the form originates;
- b) In the case of a partnership, by a general partner;
- c) In the case of a sole proprietorship, by the proprietor;
- d) In the case of a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.

2. Data Reporting

Part I.B.1 specifies the frequency for reporting data and the permittee shall submit data in accordance with the appropriate frequency below.

a) Monthly

Monitoring results shall be summarized for each month and reported on division approved discharge monitoring report forms postmarked no later than the 28th day of the following month. If no discharge occurs during the reporting period, "No Discharge" shall be reported.

Code: 1 - 18 Date: 1 - 84
Revised: 8 - 85, Revised: 3 - 87, Revised: 6 - 87

L. REPORTING (CONTINUED)

2. Data Reporting (Continued)

b) Quarterly

Monitoring results obtained during the previous 3 months shall be summarized for each calendar month and reported on division approved discharge monitoring report forms, postmarked no later than the 28th day of the month following the completed quarter. For example, for the 1st quarter (January, February, and March) the 3 monthly reports must be received at this office no later than April 28. If no discharge occurs during the reporting period, "No Discharge" shall be reported.

Duplicate signed copies of the above report forms shall be submitted to the following addresses:

Colorado Department of Health
Water Quality Control Division
4210 East 11th Avenue
Denver, Colorado 80220
Attention: Permits and Enforcement

U. S. Environmental Protection Agency
Denver Place
Suite 500
999 18th Street
Denver, Colorado 80202-2405
Attention: Water Management Division-Compliance Branch
8WM-Z

Code: i - 19 Date: 1 - 84
Revised: 8 - 85
Revised: 3 - 87

E. SPECIAL REQUIREMENTS

1. Materials Containment Plan*

Pursuant to Sections 6.9.3 (5) and (6)(b) of the Regulations for the State Discharge Permit System, the permittee is required to submit a Materials Containment Plan. Such a plan shall be submitted to the Permits and Enforcement Section, Water Quality Control Division within ninety (90) days after the effective date of this permit. The plan shall include information and procedures for the prevention and containment of spills of materials used, processed or stored at the facility which if spilled would have a reasonable probability of having a visible or otherwise detrimental impact on waters of the State 1/ 2/. The plan shall include, but not necessarily be limited to the following:

- a) A history of spills which have occurred in the three (3) years preceeding the effective date of this permit. The history shall include a causation of the spills and a discussion of preventative measures designed to prevent them from reoccurring;
- b) A description of the reporting system which will be used to notify responsible facility management, the State Water Quality Control Division, the Environmental Protection Agency, downstream water users within 5 miles downstream of the facility, and local health officials;
- c) A description of preventative facilities (including overall facility plot) which prevent, contain, or treat spills and unplanned discharges;
- d) A list which includes the volumes or quantities of all materials used, processed, or stored at the facility which represent a potential spill threat to surface waters. The location of stored material shall be indicated on the facility plot submitted for Item c;

1/ If there is no such material present at the site, this shall be indicated in writing and submitted to the Division for review.

2/ If there is material present but the permittee feels there is not a reasonable probability of a spill impacting waters of the State, this shall be documented in writing and submitted to the Division for review. This documentation shall include; 1) distance to nearest surface waters, and; 2) a detailed description of any structure which prohibits the release of material onto the ground or into a conveyance system.

E. SPECIAL REQUIREMENTS

1. Materials Containment Plan (Continued)

- e) An implementation schedule for additional facilities which might be required in (c) above, but which are not yet operational;
- f) A list of available outside contractors, agencies, or other bodies which could be utilized in the event of a spill in order to clean up its effects. If the facility is capable of handling spills in-house, this shall be documented in the plan;
- g) Provision for yearly review and updating of the contingency plan, plus resubmission of the plan to the Division if conditions and/or procedures at the facility change the original plan.

The foregoing provisions shall in no way render inapplicable those requirements imposed by Section 311 of the Water Pollution Control Act Amendments of 1972, regulations promulgated thereunder, the Colorado Water Quality Control Act, and regulations promulgated thereunder. This plan should be prepared by a professional engineer registered in the State of Colorado.

Nothing herein contained shall be construed as allowing any discharge to waters of the State other than through the discharge points specifically authorized in this permit. Nothing herein contained shall be construed as excusing any liability the permittee might have, civil or criminal, for any spill.

The submittal of a Spill Prevention Control and Countermeasure Plan (SPCC Plan) as required by 40 CFR Part 112 may satisfy all or part of this requirement. Should additional materials exist on site which are not addressed in the SPCC Plan, addressing those materials as per the above will be required.

- * On February 1, 1985 the entity submitted an engineered spill plan. This plan meets with the division approval and satisfies the requirements of Part I.E.1 of this permit. An update to this plan is required to be filed within 90 days of the permit effective date, detailing all changes which have occurred since the original submittal. If no changes have occurred, a letter to this effect is required.

F. GENERAL REQUIREMENTS

1. Representative Sampling

Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.

2. Analytical and Sampling Methods for Monitoring

Analytical and sampling methods utilized by the discharger shall conform to Colorado Regulations for Effluent Limitations (10.1.5), and to regulations published pursuant to Section 304 (h) of the Clean Water Act.

The analytical method selected for a parameter shall be the one that can measure the lowest detected limit for that parameter unless the state standard is within the testing range of another approved method.

3. Records

The permittee shall establish and maintain records. Those records shall include the following:

- a) The date, type, exact place, and time of sampling or measurements;
- b) The individual(s) who performed the sampling or measurements;
- c) The date(s) the analyses were performed;
- d) The individual(s) who performed the analyses;
- e) The analytical techniques or methods used; and
- f) The results of such analyses.

The permittee shall retain for a minimum of three (3) years records of all monitoring information, including all original strip chart recordings for continuous monitoring instrumentation, all calibration and maintenance records, copies of all reports required by this permit and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the permittee or when requested by the Division or Regional Administrator of EPA.

F. GENERAL REQUIREMENTS

4. Flow Measuring Device

If not already a part of the permitted facility, within ninety (90) days after the effective date of the permit, a flow measuring device shall be installed to give representative values of effluent quantities at the respective discharge points. Unless specifically exempted or modified in Part I.B.2 of this permit, a flow measuring device will be applicable at all designated discharge points.

At the request of the Director of the Water Quality Control Division, or the Regional Administrator of the Environmental Protection Agency, or their authorized representative, the permittee shall show proof of the accuracy of any flow-measuring device used in obtaining data submitted in the monitoring report. The flow-measuring device must indicate values within ten (10) percent of the actual flow being discharged from the facility.

PART II

A. MANAGEMENT REQUIREMENTS

1. Change in Discharge

The permittee shall inform the Division (Permits and Enforcement Section) in writing of any intent to construct, install, or alter any process, facility, or activity that is likely to result in a new or altered discharge and shall furnish the Division such plans and specifications which the Division deems reasonably necessary to evaluate the effect on the discharge and receiving stream.

The permittee shall submit this notice within two (2) weeks after making a determination to perform the type of activity referred to in the preceding paragraph. Process modifications include, but are not limited to, the introduction of any new pollutant not previously identified in the permit, or any other modifications which may result in a discharge of a quantity or quality different from that which was applied for. Following such notice, the permittee shall be required to submit a new CDPS application and the permit may be modified to specify and limit any pollutants not previously limited, if the new or altered discharge might be inconsistent with the conditions of the existing permit. In no case shall the permittee implement such change without first notifying the Division.

2. Special Notifications - Definitions

- a) Bypass: The intentional diversion of waste streams from any portion of a treatment facility.
- b) Severe Property Damage: Substantial physical damage to property at the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. It does not mean economic loss caused by delays in production.
- c) Spill: An unintentional release of solid or liquid material which may cause pollution of state waters.
- d) Upset: An exceptional incident in which there is unintentional and temporary noncompliance with permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.

A. MANAGEMENT REQUIREMENTS

3. Noncompliance Notification

- a) If, for any reason, the permittee does not comply with or will be unable to comply with any maximum discharge limitations or standards specified in this permit, the permittee shall, at a minimum, provide the Water Quality Control Division and EPA with the following information:
 - (i) A description of the discharge and cause of noncompliance;
 - (ii) The period of noncompliance, including exact dates and times and/or the anticipated time when the discharge will return to compliance; and
 - (iii) Steps being taken to reduce, eliminate, and prevent recurrence of the noncomplying discharge.
- b) The permittee shall report the following instances of noncompliance orally within twenty-four (24) hours from the time the permittee becomes aware of the noncompliance, and shall mail to the Division a report within five (5) days after becoming aware of the noncompliance:
 - (i) Any instance of noncompliance which may endanger health or the environment;
 - (ii) Any unanticipated bypass;
 - (iii) Any upset which causes an exceedance of any effluent limitation in the permit;
 - (iv) Any spill which causes any effluent limitation to be violated;
 - (v) Daily maximum violations for any toxic pollutants or hazardous substances limited by PART I-A of this permit and specified as requiring 24 hour notification.
- c) The permittee shall report all other instances of non-compliance not requiring 24-hour notification at the time Discharge Monitoring Reports are submitted. The reports shall contain the information listed in sub-paragraph (a) of this section.

A. MANAGEMENT REQUIREMENTS

4. Submission of Incorrect or Incomplete Information

Where the permittee failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or report to the Division, the permittee shall promptly submit the relevant application information which was not submitted or any additional information needed to correct any erroneous information previously submitted.

5. Bypass

The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but if and only if it is for essential maintenance to assure efficient operation.

Bypass is prohibited, and the Division may take enforcement action against a permittee for bypass, unless:

- a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
- b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
- c) The permittee submitted notices as required in "Bypass Notification", Part II.A.6.

6. Bypass Notification

If the permittee knows in advance of the need for a bypass, a notice shall be submitted, at least ten days before the date of the bypass, to the Division and the Environmental Protection Agency (EPA). The bypass shall be subject to Division approval and limitations imposed by the Division and EPA.

A. MANAGEMENT REQUIREMENTS

7. Upsets

a) Effect of an upset

An upset constitutes an affirmative defense to an action brought for noncompliance with permit effluent limitations if the requirements of paragraph (b) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

b) Conditions necessary for a demonstration of upset

A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs, or other relevant evidence that:

- (i) An upset occurred and that the permittee can identify the specific cause(s) of the upset;
- (ii) The permitted facility was at the time being properly operated; and
- (iii) The permittee submitted notice of the upset as required in Part II A.3 of this permit (24-hour notice).
- (iv) The permittee complied with any remedial measures required under Section 122.7(d) of the federal regulations.

c) Burden of proof

In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

8. Removed Substances

Solids, sludges, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering waters of the State.

A. MANAGEMENT REQUIREMENTS

9. Minimization of Adverse Impact

The permittee shall take all reasonable steps to minimize any adverse impact to waters of the State resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge.

10. Discharge Point

Any discharge to the waters of the State from a point source other than specifically authorized by this permit is prohibited.

11. Reduction, Loss, or Failure of Treatment Facility

The permittee has the duty to halt or reduce any activity if necessary to maintain compliance with the effluent limitations of the permit. Upon reduction, loss, or failure of the treatment facility, the permittee shall, to the extent necessary to maintain compliance with its permit, control production, or all discharges, or both until the facility is restored or an alternative method of treatment is provided. This provision for example, applies to power failures, unless an alternative power source sufficient to operate the wastewater control facilities is provided.

It shall not be a defense for a permittee in an enforcement action that it would be necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

12. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

B. RESPONSIBILITIES

1. Inspections and Right to Entry

The permittee shall allow the Director of the State Water Quality Control Division, the EPA Regional Administrator, and/or their authorized representative, upon the presentation of credentials:

- A. To enter upon the permittee's premises where a regulated facility or activity is located or in which any records are required to be kept under the terms and conditions of this permit;
- B. At reasonable times to have access to and copy any records required to be kept under the terms and conditions of this permit and to inspect any monitoring equipment or monitoring method required in the permit; and
- C. To enter upon the permittee's premises to investigate, within reason, any actual, suspected, or potential source of water pollution, or any violation of the Colorado Water Quality Control Act. The investigation may include, but is not limited to, the following: sampling of any discharge and/or process waters, the taking of photographs, interviewing permittee staff on alleged violation, access to any and all facilities or areas within the permittee's premises that may have any affect on the discharge, permit, or alleged violation.
- D. The Division shall split a sample with the permittee if requested to do so by the permittee.

2. Duty to Provide Information

The permittee shall furnish to the Division, within a reasonable time, any information which the Division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Division, upon request, copies of records required to be kept by this permit.

3. Transfer of Ownership or Control

A permit may be transferred to a new permittee if:

- a) The current permittee notifies the Division in writing 30 days in advance of the proposed transfer date; and

B. RESPONSIBILITIES

3. Transfer of Ownership or Control (Continued)

- b) The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage and liability between them; and
- c) The current permittee has met all fee requirements of the State Discharge Permit System Regulations, Section 6.16.0.

4. Availability of Reports

Except for data determined to be confidential under Section 308 of the Federal Clean Water Act and Regulations for the State Discharge Permit System 6.6.4 (2), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the State Water Quality Control Division and the Regional Administrator.

5. Modification, Suspension, or Revocation of Permits By the Division

All permit modification, termination or revocation and reissuance actions shall be subject to the requirements of the State Discharge Permit System Regulations, Sections 6.6.2, 6.6.3, 6.8.0 and 6.16.0, 5 C.C.R. 1002-2, except for minor modifications. Minor modifications may only correct typographical errors, require a change in the frequency of monitoring or reporting by the permittee, change an interim date in a schedule of compliance or allow for a change in ownership or operational control of a facility including addition, deactivation or relocation of discharge points where the Division determines that no other change in the permit is necessary.

- a) This permit may be modified, suspended, or revoked in whole or in part during its term for reasons determined by the Division including but not limited to, the following:
 - (i) Violation of any terms or conditions of the permit;
 - (ii) Obtaining a permit by misrepresentation or failing to disclose any fact which is material to the granting or denial of a permit or to the establishment of terms or conditions of the permit; or
 - (iii) Materially false or inaccurate statements or information in the application for the permit; or

B. RESPONSIBILITIES

5. Modification, Suspension, or Revocation of Permits By the Division
(Continued)

- (iv) Promulgation of a toxic effluent standards or prohibitions (including any schedule of compliance specified in such effluent standard or prohibition) which are established under Section 307 of the Clean Water Act, where such a toxic pollutant is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit.
- b) This permit may be modified in whole or in part due to a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge, such as:
 - (i) Promulgation of Water Quality Standards applicable to waters affected by the permitted discharge; or
 - (ii) Effluent limitations or other requirements applicable pursuant to the State Act or federal requirements; or
 - (iii) Control regulations promulgated; or
 - (iv) Data submitted pursuant to Part I.B indicates a potential for violation of adopted Water Quality Standards or stream classifications.
 - (v) Removal of a temporary modification to a stream standard thereby requiring the application of the stream standard.
- c) This permit may be modified in whole or in part to include any condition set forth in any approval granted, pursuant to C.R.S. 1973, 25-8-702, as amended for the construction or enlargement of any domestic wastewater treatment works subject to this permit.
- d) This permit may be modified in whole or in part to include new effluent limitations and other appropriate conditions where data submitted pursuant to Part I.B.3 indicates that such effluent limitations and conditions are necessary to ensure compliance with applicable water quality standards and protection of classified uses.
- e) At the request of the permittee, the Division may modify, or terminate this permit if the following conditions are met:

B. RESPONSIBILITIES

5. Modification, Suspension, or Revocation of Permits By the Division
(Continued)

- (i) In the case of termination, the permittee notifies the Division of its intent to terminate the permit 90 days prior to the desired date of termination;
- (ii) In the case of termination, the permittee has ceased any and all discharges to state waters and demonstrates to the Division there is no probability of further uncontrolled discharge(s) which may affect waters of the State.
- (iii) The Regional Administrator has been notified of the proposed modification or termination and does not object in writing within thirty (30) days of receipt of notification;
- (iv) The Division finds that the permittee has shown reasonable grounds consistent with the Federal and State statutes and regulations for such modification, amendment or termination;
- (v) Fee requirements of Section 6.16.0 of State Discharge Permit System Regulations have been met; and
- (vi) Requirements of public notice have been met.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under Section 311 (Oil and Hazardous Substance Liability) of the Clean Water Act.

7. State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority granted by Section 510 of the Clean Water Act.

8. Permit Violations

Failure to comply with any terms and/or conditions of this permit shall be a violation of this permit.

B. RESPONSIBILITIES

9. Property Rights

The issuance of this permit does not convey any property or water rights in either real or personal property, or stream flows, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

10. Severability

The provisions of this permit are severable. If any provisions of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances and the application of the remainder of this permit shall not be affected.

11. Renewal Application

If the permittee desires to continue to discharge a permit renewal application shall be submitted at least one hundred eighty (180) days before this permit expires. If the permittee anticipates there will be no discharge after the expiration date of this permit, the Division should be promptly notified so that it can terminate the permit in accordance with Part II.B.6.

12. Confidentiality

Any information relating to any secret process, method of manufacture or production, or sales or marketing data, which may be acquired, ascertained, or discovered, whether in any sampling investigation, emergency investigation, or otherwise, shall not be publicly disclosed by any member, officer, or employee of the commission or the Division, but shall be kept confidential. Any person seeking to invoke the protection of this Subsection (2) shall bear the burden of proving its applicability. This section shall never be interpreted as preventing full disclosure of effluent data.

13. Fees

The permittee is required to submit payment and annual fee as set forth in the 1983 amendments to the Water Quality Control Act. Section 25-8-502 (1) (b), and State Discharge Permit Regulations 5CCR 1002-2, Section 6.16.0 as amended. Failure to submit the required fee when due and payable is a violation of the permit and will result in enforcement action pursuant to Section 25-8-601 et. seq., C.R.S. 1973 as amended.